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June 23, 1995

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF SECRETARY

VIA HAND DELIVERY

Mr. William F. Caton, Acting Secretary
Federal Communications Commission
Room #222
1919 M Street, N.W.
Washington, D.C. 20554

DOCKET FILE COPY ORIGINAL

**Re: In the Matter of Amendment to the Commission's Regulatory Policies Governing Domestic Fixed Satellites and Separate International Satellite Systems
IB Docket No. 95-41**

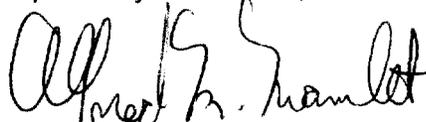
Dear Mr. Caton:

Enclosed please find for filing on behalf of Motorola Satellite Communications Inc. an original and five copies of Motorola's Reply Comments.

Also, enclosed please find one copy of the Motorola's Reply Comments to be date stamped and returned with our messenger.

If there are any questions concerning this filing, please do not hesitate to contact me.

Respectfully submitted,



Alfred M. Mamlet

Counsel for Motorola Satellite
Communication, Inc.

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Enclosures

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20554**

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In the Matter of)
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Amendment to the Commission's)
Regulatory Policies Governing)
Domestic Fixed Satellites and)
Separate International Satellite)
Systems)
_____)

REPLY COMMENTS

Motorola Satellite Communications, Inc. ("Motorola") hereby files reply comments in the above-captioned proceeding. Motorola's reply comments, like its initial comments, are devoted solely to the issue, raised in one sentence of the NPRM, of whether "Inmarsat should be permitted to serve the U.S. market. . . ."^{1/} All but one of the commenters who addressed this issue agreed with Motorola that this is not the proper proceeding for the Commission to consider Inmarsat's entry into the United States.

There are several reasons why this proceeding is not the proper forum. **First**, the MSS issues are sufficiently different from the FSS issues to warrant full and separate consideration. Loral/Qualcomm Partnership, L.P. ("LQP") pointed out that, in contrast to the mature FSS issues, there is relatively little regulatory experience with MSS issues, including market access questions. Therefore, it would be premature for the Commission to develop a blanket rule for Comsat's provision of Inmarsat services in

^{1/} NPRM ¶ 39.

the U.S.^{2/} One of the important differences between MSS and FSS is that there is relatively little spectrum for MSS, in contrast to the spectrum that has already been allocated to FSS.^{3/}

Second, several parties stated that the Commission should wait for Inmarsat (and perhaps Intelsat) to finish with their restructuring efforts before adopting a new rule for access to the U.S. market. For example, AT&T "opposes allowing [COMSAT and the International Satellite Organizations] to participate in the U.S. market to any greater extent than they already do until substantial structural reform of these organizations takes place."^{4/}

Third, the questions surrounding possible provision of Inmarsat services in the U.S. are already being addressed separately in the context of several COMSAT applications. In addition, the Commission is considering related questions of foreign carrier access to the U.S. market in the foreign-affiliated carrier rulemaking.^{5/} It will

^{2/} Comments of LQP at 7 (June 8, 1995) ("[T]he issues concerning domestic and international MSS systems raised by the Commission as incidental to its consolidation of domestic and international FSS policies involve complex technical, political and economic issues and implicate an entirely different set of facts and concerns. These issues deserve consideration independently of the FSS policies and regulations"); Comments of Constellation Communications, Inc. at 4-7 (June 8, 1995) (stating how it is premature for the Commission to be considering access to United States MSS market by COMSAT or Inmarsat).

^{3/} Comments of LQP at 8. This proceeding is certainly not the proper forum to entertain LQP's proposition that the Commission should adopt "a preference for utilization of code division multiple access (CDMA) technology [over TDMA technology]." LQP Comments at 13. The Commission concluded in The Big LEO Licensing Proceeding, 9 FCC Rcd 5936, 5954, n.52 (1994), that "the record did not support a finding that one architecture is superior to the other. . . ." Certainly, there is no basis for such a finding in the record in this proceeding either.

^{4/} AT&T Comments at 13 (June 8, 1995). See also Comments of GE American Communications, Inc. at 12 (June 8, 1995) ("Any consideration of authority for Comsat to use Intelsat or Inmarsat capacity within the United States would be premature at best").

^{5/} IB 95-22 (released Feb. 17, 1995).

probably be necessary for the Commission to initiate a new rulemaking on the provision of Inmarsat services in the U.S. in light of the issues raised in those proceedings.^{6/} However, the one sentence in the NPRM does not provide an adequate basis for full consideration of these issues here.

Fourth, there is no coordination agreement between Inmarsat and AMSC, or between Inmarsat and any of the U.S. Big LEO licensees. As AMSC stated, "until the domestic system is established and has reasonable certainty of access to twenty megahertz of spectrum for the U.S. system, any reversal of the Commission's policy will only provoke Inmarsat and other foreign systems to make the frequency coordination process even more difficult than it has already been."^{7/} Similarly, the Commission should not take any action which would make a coordination agreement between Inmarsat and the Big LEO licensees more difficult.

Not surprisingly, the only party that suggested that the Commission should consider in this proceeding whether Inmarsat should be permitted to provide service in the US was COMSAT.^{8/} Even COMSAT did not press this issue, devoting less than two full pages to the question. COMSAT repeated the contention, it has made in support of its application to provide domestic land mobile and aeronautical

^{6/} See, e.g., Comments of IDB Mobile Communications, Inc. at 1 (June 8, 1995) ("IDB Mobile submits that the question of whether and to what extent Inmarsat should be permitted to serve the U.S. market is more appropriately addressed . . . in the context of Comsat Corporation's applications. . . ."); Comments of TRW at 2 (June 8, 1995) ("TRW agrees with the Commission's apparent tentative decision that this is not the appropriate proceeding in which to consider these matters").

^{7/} See Comments of AMSC Subsidiary Corporation at 5. See also Comments of Constellation Communications at 4 ("there is as yet no satisfactory frequency coordination agreement between these systems").

^{8/} COMSAT Comments at 11-13.

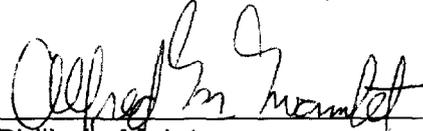
services, that the Commission should grant its application at the same time it grants AMSC's application to provide limited international services.^{9/}

As COMSAT's Comments demonstrate, there are already other proceedings where the issue of provision of Inmarsat services in the U.S. has been raised in greater detail and focus. Accordingly, the Commission should consider COMSAT's bid to provide domestic MSS through Inmarsat in the context of COMSAT's applications, or, in light of the numerous legal and policy issues raised by COMSAT's applications, in a separate rulemaking proceeding that provides a proper foundation for a thorough consideration of all the issues.

Dated: June 23, 1995

Respectfully submitted,

**MOTOROLA SATELLITE
COMMUNICATIONS, INC.**



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^{9/} COMSAT Comments at 12.

CERTIFICATE OF SERVICE

I, Alfred M. Mamlet, hereby certify that the foregoing **MOTOROLA's Reply Comments** was served, via first class mail (except where indicated), postage prepaid, this 23rd day of June, 1995, on the following:

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